

## UNITED STATES DISTRICT COURT

District of

MASSACHUSETTS

FILED

IN CLERKS OFFICE

H.D. YORSTON, On Behalf of Himself and  
All Others Similarly Situated,

V.

SUMMONS IN A CIVIL CASE

2:37

U.S. DISTRICT COURT  
DISTRICT OF MASS.EPIX PHARMACEUTICALS, INC. MICHAEL CASE NUMBER:  
D. WEBB, PEYTON J. MARSHALL and  
ANDREW UPRICHARD, JR.

05 CV 10166 PBS

TO: (Name and address of Defendant)

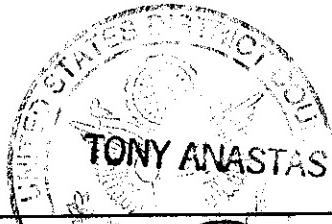
Peyton J. Marshall  
% EPIX Pharmaceuticals, Inc.  
161 First Street  
Cambridge, MA 02142

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Theodore Hess-Mahan  
Shapiro Haber & Urmy LLP  
53 State Street  
Boston, Massachusetts 02109

20

an answer to the complaint which is herewith served upon you, within \_\_\_\_\_ days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.



TONY ANASTAS

CLERK

(By) DEPUTY CLERK

DATE

1/27/2005

**RETURN OF SERVICE**

Service of the Summons and complaint was made by me <sup>(1)</sup> NAME OF SERVER (PRINT) DAVID G. BEDUGNIS, SR.	DATE JANUARY 31, 2005 at 12:51 p.m. TITLE CONSTABLE
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*Check one box below to indicate appropriate method of service* Served personally upon the third-party defendant. Place where served: \_\_\_\_\_ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left: \_\_\_\_\_

 Returned unexecuted: \_\_\_\_\_

Other (specify): BY GIVING SAID COPIES IN HAND TO ALAN CARPENTER, V.P., LEGAL AND GOVERNMENT AFFAIRS, AT EPIX PHARMACEUTICALS, INC. SAID SERVICE WAS MADE AT 161 FIRST STREET, CAMBRIDGE, MASSACHUSETTS SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.

**STATEMENT OF SERVICE FEES**

TRAVEL	SERVICES	TOTAL
\$9.00	\$36.00	\$45.00

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

1/31/2005

Date

*DAVID G. BEDUGNIS, SR.*  
 Signature of Server DAVID G. BEDUGNIS, SR., CONSTABLE  
 ZROSCOE, BEDUGNIS & ASSOCIATES  
 15 COURT SQUARE, SUITE 450  
 BOSTON, MASSACHUSETTS 02108

Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.